



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
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PART II - MISCELLANEOUS NOTIFICATIONSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

ANDHRA PRADESH STATE WAQF BOARD
VIJAYAWADA

APPOINTMENT OF MUTAWALLI JANAB. Md. SHAJAHAN S/o M. MAHABOOB SAHEB
U/Sec. 63 OF THE WAQF Act, 1995 FOR A PERIOD OF (1) ONE YEAR.

Read :-

1. Representation of Sri Md. Shajahan, S/o late M.Mohd. Mahaboob Saheb, Chittoor, Dated : 23-08-2016.
2. Representation of Sri Mohammed Rasool, S/o late M. Mahaboob Saheb, Dated : 09-09-2016.
3. Report of the I.A. Waqf, Chittoor District, Dated : 18-07-2017.
4. This office notification of even No., Dated : 14-03-2018.
5. Report of the I.A. Waqf, Chittoor District, Dated : 07-04-2018 along with news paper clipping.
6. Objection petition filed by the Advocate, Dated : 21 -04-2018.
7. Orders of the Hon'ble Chairperson, Dated : 23-04-2018
8. Legal opinion of Legal Advisor, APSWB, Dated : 03-07-2018.
9. Board Resolution No.085/2018, Dated : 04-07-2018.
10. Orders of the Hon'ble Chairperson, APSWB, Dated : 30-07-2018.

F.No. 01/CTR/M/2016,- The Waqf institution namely Dargah Hzt. Syed Gulam Rasool situated at Chittoor District & Town is a notified Wakf published in A.P.Gazette,No:26, Dated : 28-06-1962 at serial No.2877 under the Mutawalli of Sri Mohammed Hussain.

In the reference 1st cited, Sri Md. Shajahan, S/o late M. Mahaboob Saheb has submitted representation for appointment of Mutawalli.U/Sec.42 of Waqf Act, 1995 to the subject Waqf institution.

In the reference 2nd cited, Sri Mohammed Rasool, S/o late M.Mahaboob Saheb stated that he is rendering the services of the institution and one of his brother Sri Mohammed Shahjahan has relinquished his rights in the year 2008 by executing a relinquishment deed after obtaining consideration and after relinquishing his rights and request to appoint him as Mutawalli to the subject Waqf institution.

In the reference 3rd cited, the I.A. Waqf, Chittoor District, has reported that the applicant Sri Md. Shajahan is grandson of Gazette Notified Mutawalli Sri Mohammed Hussain and recommended his candidature.

In the ref. 4th cited, this office has issued paper notification for calling claims and objections for appointment of Mutawalli U/sec. 63 of Waqf Act, 1995 to Sri Md. Shajahan S/o Late M. Mahaboob Saheb within a period of (15) days from the date of Publication with documentary evidence, after prescribed period of time no claims or Objection will be entertained and the matter will be decided on the available record.

In the ref. 5th cited, the Inspector Auditor, Waqf, Chittoor District, has reported that, no claims or Objections were received within period of (15) Days from the date of Publication i.e. 19-03-2018.

In the ref. 6th cited, Sri. E.S. Vara Prasad, Advocate, has sent the legal notice, to the Chief Executive Officer, APSWB, stating that Sri. Mohammed. Rasool had filed O.S No.39/2016 against his brother Md. Shajahan for an injunction to restrain from interfering in the management of subject Dargah.

In the ref. 7th cited the matter placed before the Hon'ble Chairperson, who has passed order to place the matter before the Board.

In the ref. 8th cited Obtain legal opinion from Legal Advisor, APSWB, has stated that in respect of appointment of Mutawalli, the Court cannot give direction to the Board to appoint any particular person as a Mutawalli. It is only after the due enquiry and basing on the report the Board has to appoint Mutawalli by issuing orders. If at all the Plaintiff is holding possession it is unlawful, his possession is not at all recognized by the Board. It is for the Board to appoint an Enquiry Officer to record necessary evidence and to submit a report about the eligibility and suitability of the person to be appointed as a Mutawalli for the subject Dargah. In the meantime, as per the paper notification issued the Board is at liberty to appoint the Mutawalli under Sec.63 of the Waqf Act, 1995. rejecting the objections of the petitioner by giving reasons.

The matter was placed before the Board and the Board has passed resolution in the reference 9th read above, "It is unanimously resolved to appoint Janab. Mohammed Shajahan, S/o late M. Mahaboob Saheb as Mutawalli U/sec. 63 of Waqf Act, 1995 for a period of One (1) year for the subject Waqf Institution from the date of issue of orders.

Accordingly, Janab. Mohammed Shajahan, S/o late M. Mahaboob Saheb appointed as Mutawalli U/sec. 63 of Waqf Act, 1995 for a period of one (1) year in respect of Dargah Hzt. Syed Gulam Rasool situated at Chittoor District & Town, from the date of issue of orders.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rules 20 of A.P. Waqfs Rules, 2000 and should follow the instructions issued by the Board for time to time. He should submit the Accounts and Budget, Income & Expenditure statement and paid Waqf Fund properly, failing which Section 61 and 64 of the Waqf Act, 1995 will be attracted Duties mentioned hereunder.

- a) To implement the orders issued by the Board & from time to time.
- b) To carry out the directions of the Board.
- c) To allow Inspector Auditor Waqfs regarding property accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do be or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any fact.
- g) That the Mutawalli is restrictor to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land. He should follow Lease Rules 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, *“Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code”*. As such, for the illegal act if any, every member of the committee will be liable for penal action. The Committee shall also noted that Sec.3 (ee) defined encroacher, sec. 52-A explain rigorous punishment upto (2) years and Sec.61 speaks penalty and punishment upto (6) months for the lapses / charges shown therein, hence should act carefully delinquency and maintain account scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

Dated : 31-07-2018.

L. ABDUL KHADIR,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

To

Sri Mohammed. Shajahan, S/o. Late M. Mahaboob Saheb
Dargah Hzt. Syed Gulam Rasool, Chittoor District & Town
(Through I, A. Waqf, Chittoor District.)